

## REMARKS

Claims 24-47 were pending.

In the Office Action an election of species for prosecution purposes was required.

In response, the specification has been amended and a species has been elected.

### A. Amendment to the Specification

Paragraph No. 0001 as originally filed and as amended in the Preliminary Amendment dated March 27, 2001, is being further amended to correct from December 27 to December 22 the date of filing in 1998 of the Great-Great-Great-Grandparent Application mentioned therein, United States Patent Application Serial No. 288,364.

The correction sought resolves an inadvertent error, and is consistent with the priority filing data presented relative to the above-captioned application in an Updated Filing Receipt mailed from the United States Patent and Trademark Office on June 1, 2001, a copy of which is attached herewith as Exhibit A.

It is respectfully submitted that the correction sought in Paragraph No. 0001 does not add new matter. Accordingly, entry thereof is respectfully requested.

### B. Action on the Merits

#### 1. Background

In the Office Action, pending Claims 24-47 were determined to be directed to the following patentably distinct species of the disclosed invention:

- Species A: a triple lumen catheter as depicted in Figures 1-12 to include a septum with a bulbous middle portion and lumens blocked distally by first and second inserts;
- Species B: a triple lumen catheter as depicted in Figures 13-14 to include a septum with a bulbous middle portion and lumens blocked distally by solid inserts;
- Species C: a triple lumen catheter as depicted in Figure 15 to include a relatively thick septum with planar parallel opposite sides;
- Species D: a triple lumen catheter as described in relation to Figure 16 to include septums blocked distally by interconnected inserts;
- Species E: a triple lumen catheter as depicted in Figure 17 to include a molded conical tip carrying solid lumen inserts; and
- Species F: a triple lumen catheter as depicted in Figures 18-19 to include a tapered distal tip with a shoulder and a central cylindrical extension.

Accordingly, a requirement has been made under 35 U.S.C. § 121 to elect a single of the disclosed species for prosecution on the merits.

2. Response to the Species Election Request

In response, provisionally elected for prosecution on the merits is the species depicted in Figures 13-14. There the elected species of invention can be seen to comprise a triple lumen catheter including a septum with a bulbous middle portion and lumens blocked distally by solid inserts.

The following claims are respectfully submitted to be readable on the elected species illustrated in Figures 13-14:

Claims 1-29, 31, and 42-46. Claims 1, 42, and 46 thereamong are independent.

In addition, the following claims are respectfully submitted to be generic to all of the seven (7) identified species of the invention:

Claims 1-28 and 46. Claims 1 and 46 thereamong are independent

Finally, by way of information, the following claims are respectfully submitted to be generic to a subcombination of Species A-E identified above:

Claims 1-28, 31, and 42-46. Claims 1, 42, and 46 thereamong are independent.

3. Conclusion

Accordingly, it is submitted that an examination on the merits of Claims 1-29, 31, and 42-46 is now in order, and such examination is hereby requested.

Should any claim generic to all of the identified species of the invention be considered to be allowable, then it is further requested that claims be allowed that are directed to a reasonable number of species of the invention, other than the species elected herein for prosecution purposes.

In the event that the Examiner finds any impediment to a prompt allowance of this application which could be clarified by a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

DATED this 13<sup>th</sup> day of February, 2003.

Respectfully submitted,



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